

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MOHAMMAD SAAILI SHIBIN, )  
a/k/a "Khalif Ahmed Shibin," )  
a/k/a "Mohammad Ali," )  
a/k/a "Ali Jama," )  
 )  
Defendant. )

CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
(**Testimony of Elizabeth Sem**)

Norfolk, Virginia  
April 24, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
Benjamin L. Hatch, Esquire  
Brian J. Samuels, Esquire  
Paul Casey, Esquire  
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Counsel for the United States

ZOBY & BROCCOLETTI, P.C.  
By: James O. Broccoletti, Esquire  
Counsel for the Defendant

## I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
E. E. Sem	3	--	--	--

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—E. Sem - Direct—

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3                   EMILY ELIZABETH SEM, called as a witness, having  
4   been first duly sworn, testified as follows:

5                                   DIRECT EXAMINATION

6   BY MR. SAMUELS:

7   Q.   Good morning, ma'am.

8   A.   Good morning.

9   Q.   Would you tell us your name, please?

10   A.   Emily Elizabeth Sem.

11   Q.   And, Ms. Sem, where do you live?

12   A.   In San Diego, California.

13   Q.   Are you married, ma'am?

14   A.   Yes.

15   Q.   Do you have children?

16   A.   Two.

17   Q.   And, if you would, move that microphone a little closer  
18   so we can hear you.

19   A.   Sorry.

20   Q.   That's all right. How old are your children, ma'am?

21   A.   My daughter is nine, and my son is six.

22   Q.   What do you do for work?

23   A.   I'm a behavioral specialist for children with autism and  
24   other development disabilities.

25   Q.   Do you work for a company, or are you self-employed?

—E. Sem - Direct—

1 A. I'm an independent consultant.

2 Q. Have you worked in the last 15 months or so?

3 A. No. In my line of work if -- I'm sorry.

4 Q. That's all right, ma'am.

5 A. Ethically, if you have something big personally going on  
6 in your own life it's ethical to take a step back, because it  
7 could -- if it could somehow adversely affect your work with  
8 your clients you need to stop.

9 Q. And, Ms. Sem, did something happen in your life about  
10 15 months ago, in February of 2011, that caused you to stop  
11 what you were doing with your work?

12 A. Yes, sir.

13 Q. And what did happen to you?

14 A. My father and my stepmother were murdered.

15 Q. And what was the name of your father and your stepmother?

16 A. Scott Adam and Jean Adam.

17 Q. And where were they when they were murdered, ma'am?

18 A. In the Indian Ocean.

19 Q. And were they traveling on some type of vessel?

20 A. Yes. They were on their sailboat, the Quest.

21 Q. Was anyone with them, ma'am?

22 A. Yes, two other people, Phyllis Macay and Bob Riggle.

23 Q. And when specifically did this happen, Ms. Sem?

24 A. On February 22nd of 2011.

25 Q. Ms. Sem, I'd like to talk to you a little bit about your

—E. Sem - Direct—

1 dad, Scott Adam. Would you tell us just a little bit about  
2 where he came from, where he grew up, and where he went to  
3 school?

4 A. My dad was born in the Chicago area, and he grew up  
5 there, and then he -- I'm sorry. Is this what you want to  
6 know?

7 He went to college in Wisconsin and then moved to  
8 California.

9 Q. What did he do for work when you were younger, ma'am?

10 A. He was in the motion picture industry.

11 Q. What did he do in the motion picture industry?

12 A. He was a -- everything from an assistant director and  
13 unit manager to a producer, later in his career.

14 Q. And what hobbies did he have, ma'am?

15 A. Oh, he had sailing, obviously, and gardening and  
16 religion.

17 Q. When did he get into sailing?

18 MR. BROCCOLETTI: Judge, may we approach for a  
19 moment, please?

20 THE COURT: Yes.

21 (The following was heard at the sidebar out the  
22 hearing of the jury:)

23 MR. BROCCOLETTI: Judge, I understand that the  
24 victim's family has obvious statutory rights, but in this  
25 particular case the defendant is not charged with murder, and

—E. Sem - Direct—

1 I think we're getting far afield of what the issues are  
2 before the Court today. And I think in terms of what his  
3 hobbies are, what his religion may be, when he got into  
4 sailing, I think there are other witnesses that are going to  
5 be the coming forth that are going to be testifying to the  
6 same thing. I think under those circumstances, based upon  
7 the charges the defendant is faced with, that issues such as  
8 this are prejudicial and not probative.

9 THE COURT: What do you say?

10 MR. SAMUELS: Yes, sir, Judge. I'm done with the  
11 background. Why I wanted to ask Ms. Sem about this is  
12 because we need to establish why they were out there, their  
13 citizenship --

14 THE COURT: Well, ask why they were out there and  
15 what they were doing, and let's get on with it.

16 MR. BROCCOLETTI: And my concern is with other  
17 witnesses if they try to call them for the same line of  
18 questioning.

19 THE COURT: Well, we'll have to deal with each  
20 witness as we get to it. I don't know where we're going, but  
21 the fact of the matter is I'm not going to rule without  
22 hearing what the testimony is of why or the determination of  
23 what it is. But we'll get to it. Let's move along.

24 MR. SAMUELS: Yes, sir.

25 (The proceedings resumed in open court as follows:)

—E. Sem - Direct—

1 THE COURT: If it appears I'm getting up or standing  
2 up, ladies and gentlemen, I have a blood clot. So I'll just  
3 tell you. So consequently it started acting up yesterday, so  
4 I keep my foot up. So that's why if it looks like I'm  
5 relaxing I'm not relaxing.

6 Okay. Go ahead.

7 MR. SAMUELS: Thank you.

8 BY MR. SAMUELS:

9 Q. Ms. Sem, had your father changed careers at one point in  
10 the early '90s?

11 A. Yes, sir.

12 Q. And what did he change -- what did he leave the motion  
13 picture industry, the television industry, to do?

14 A. He went to seminary.

15 Q. Okay. And at some point in the early '90s did -- the  
16 early or mid '90s -- did he remarry as well, ma'am?

17 A. Oh, yes, sir. He -- on October 30th of '99 he married my  
18 stepmom, Jean.

19 Q. Okay. And how did they meet, ma'am?

20 A. They met through a mutual friend.

21 THE COURT: I think if we just get to the issue,  
22 Mr. Samuels.

23 MR. SAMUELS: Yes, sir.

24 THE COURT: Please.

25 BY MR. SAMUELS:

—E. Sem - Direct—

1 Q. Ms. Sem, I'd like to show you a picture, Government's  
2 Exhibit 2-4 W.

3 Do you recognize that photo, ma'am?

4 A. This is my dad.

5 Q. And what does that photo depict?

6 A. It's his passport and some other identification; his  
7 Coast Guard card and his driver's license.

8 Q. Your father was a United States citizen?

9 A. Yes, sir.

10 Q. And how old was he when he died?

11 A. (Pause) I'm sorry. He was 70.

12 Q. All right.

13 MR. SAMUELS: Your Honor, I would offer Government's  
14 Exhibit 2-4 W, the identification documents.

15 THE COURT: It's received in evidence.

16 MR. SAMUELS: Thank you.

17 (The exhibit was admitted into evidence.)

18 MR. SAMUELS: Your Honor, if I may just inquire if  
19 these are coming up on the screens.

20 MR. BROCCOLETTI: Yes.

21 BY MR. SAMUELS:

22 Q. And your father lived most of his life while he was  
23 working in the television industry in California, ma'am. Is  
24 that right?

25 A. Yes, sir.



—E. Sem - Direct—

1 Q. Ms. Sem, at some point did your father and Jean decide to  
2 build a sailboat --

3 A. Yes, sir.

4 Q. -- together?

5 A. (The witness nodded her head.)

6 Q. And why did they decide to build this boat?

7 A. My dad had had a lifelong dream of sailing around the  
8 world, and Jean supported that.

9 Q. And the name of this boat was what, ma'am?

10 A. The Quest.

11 Q. And when did they build the Quest?

12 A. It was completed in either late 2000 or early 2001.

13 Q. What type of boat was it?

14 A. A Davidson 58. I believe that's what it was called.

15 Q. All right. Ma'am, I'd like to show you some additional  
16 documents. These are Government's Exhibits 2-3 I, 2-4 A and  
17 2-4 B.

18 A. Thank you.

19 Q. Do you recognize what those photos depict, ma'am?

20 A. Yes, sir. This is the Quest.

21 Q. All right. Each of those photos shows the Quest?

22 A. Yes, different views of it.

23 MR. SAMUELS: Your Honor, I would offer 2-3 I, 2-4  
24 A, and 2-4 B into evidence.

25 THE COURT: Received in evidence. You may publish.

—E. Sem - Direct—

1 MR. SAMUELS: Thank you, sir.

2 (The exhibits were admitted into evidence.)

3 BY MR. SAMUELS:

4 Q. Ms. Sem, where did your father and Jean travel on the  
5 Quest, ma'am, in the 2000s?

6 A. They started in New Zealand, where the boat was built.  
7 They brought the boat back to the United States. They went  
8 up to -- they went up to Canada. They traveled down the  
9 western United States. They went across the Pacific to the  
10 Pacific Islands. They went to the South Pacific; Fiji,  
11 Tahiti, the Galapagos. They went to China, Thailand, India.

12 Q. Let me show you 2-4 B, ma'am. The reference at the  
13 bottom of 2-4 B to Drummond Island, Michigan, what does that  
14 relate to, Ms. Sem?

15 A. Drummond Island is an island off the furthest eastern tip  
16 of the Upper Peninsula of Michigan, and it's an area where my  
17 dad spent much of his childhood. It's a place that's very  
18 special to our family.

19 Q. You mentioned earlier in your testimony that they were  
20 with two other individuals when they died. Would they travel  
21 on the Quest by themselves, or would they bring others along  
22 to crew with them?

23 A. They could travel by themselves on the Quest, but most of  
24 the time they had a crew with them.

25 Q. When they were not traveling, where did they live?

—E. Sem - Direct—

1 A. They had another boat called the Capricious that most of  
2 the time was in Marina Del Ray, California, which is in Los  
3 Angeles.

4 Q. Were they members of any yacht clubs that you're aware  
5 of?

6 A. Yes, the Del Ray Yacht Club.

7 Q. And when they were traveling how were you able to keep in  
8 touch with them on their travels?

9 A. Via e-mail and cell phone.

10 Q. And did the Quest have any emergency equipment that could  
11 be used to keep in contact?

12 A. It had a number of emergency, I guess, systems; for  
13 example, a satellite phone. They also had what's called an  
14 EPERB. It's like an emergency beacon, like an SOS thing.

15 Q. And did they plan out these trips well in advance,  
16 Ms. Sem?

17 A. Yes.

18 Q. And how did they do that?

19 A. With charts. And they would use kind of like stickies,  
20 stickies with arrows, that would depict where they were going  
21 to go into port. So it was really well-charted, and they  
22 knew where they were going to go and how long they were going  
23 to stay at each place. They were very meticulous because  
24 they wanted to be safe.

25 Q. When is the last time that you saw your dad and Jean?

—E. Sem - Direct—

1 A. The last time I saw Jean was Thanksgiving, that weekend,  
2 of 2010, and then --

3 Q. How about your dad?

4 A. My dad came back two weeks later. The weekend of  
5 December 13th, was the last day I saw my dad -- of 2010.

6 Q. What were they planning to do? Where were they planning  
7 to travel in December of 2010?

8 A. My dad went back to Phuket, Thailand. Actually, Jean  
9 stayed here and saw her family, but my dad had to leave early  
10 because he went to have a meeting with -- they were traveling  
11 with a rally of somewhere between 20 and 30 other boats.

12 Q. What was the purpose of the rally, ma'am?

13 A. Safety in numbers traveling across the Indian Ocean and  
14 then to Djibouti, because of the piracy. And, so, my dad  
15 went back early to attend a meeting regarding piracy safety.

16 Q. Had your dad and Jean ever traveled in that part of the  
17 world before, the Indian Ocean over towards the Eastern Shore  
18 of Africa?

19 A. No, sir.

20 Q. Ms. Sem, let me show you another photo, Government's  
21 Exhibit 2-4 KK.

22 And do you recognize that, ma'am?

23 A. Yes, sir.

24 Q. And what is that?

25 A. This is a photo of one of the charts that they would have

—E. Sem - Direct—

1 planned their trip on.

2 Q. Does it show the stickies that you mentioned indicating  
3 where their intended destinations were?

4 A. Yes, sir. And, actually, if I look closely, this would  
5 have been the chart that they would have planned this leg of  
6 the trip on.

7 MR. SAMUELS: Your Honor, I would offer 2-4 KK into  
8 evidence.

9 THE COURT: 2-4 KK is received in evidence. You may  
10 publish it.

11 (The exhibit was admitted into evidence.)

12 MR. SAMUELS: I'm not seeing it here, Judge. I'll  
13 move on.

14 BY MR. SAMUELS:

15 Q. Ms. Sem, were they aware of the dangers presented in  
16 sailing that part of the world?

17 A. Yes, sir.

18 Q. And do you know if they had arranged for a crew to be  
19 taken aboard on this trip, on this leg of their passage?

20 A. Yes, sir.

21 Q. And how did they obtain that crew, ma'am?

22 A. They met them through the rally that they were with.

23 Q. All right. In mid February or early February, 2011,  
24 where were your dad and Jean?

25 A. Right before they left on the rally?

—E. Sem - Direct—

1 Q. Yes, ma'am.

2 A. They were first in Phuket, and then they went to Mumbai,  
3 India.

4 Q. And where were they planning to go from India?

5 A. To Salala, Oman. I'm not sure I pronounced that right.  
6 I'm sorry.

7 Q. In mid February, 2011, what did you learn had happened to  
8 your dad and Jean and these other two Americans that they had  
9 taken with them as crew?

10 A. On February 18th I learned that my father and my  
11 stepmother and their crew had been taken hostage by Somali  
12 pirates.

13 Q. Ms. Sem, I'd like to show you one more set of  
14 photographs. It's Government's Exhibits 2-5 D, 2-5 E, 2-5 F,  
15 and 2-5 G.

16 Do you recognize those photographs, ma'am?

17 A. Yes.

18 Q. And what do they show?

19 A. The first one is a picture of my dad.

20 Q. That would be 2-5 D?

21 A. And he's sitting on the Quest reading a book.

22 Q. All right.

23 A. And the next one is of Jean, and she's also on the Quest.

24 And the next one is of Phyllis, their friend, and  
25 she's sitting by the wheel of the boat, the Quest.

—E. Sem - Direct—

1           And the next one is of Bob, and he is also on the  
2 Quest.

3       Q. Bob and Phyllis were the two crew members that  
4 accompanied them on this leg of the rally?

5       A. Yes.

6           MR. SAMUELS: Your Honor, I would offer 2-5 D, 2-5  
7 E, 2-5 F and 2-5 G.

8           THE COURT: 2-5 D, E, F and G are admitted in  
9 evidence.

10          MR. SAMUELS: Thank you, Judge. May I publish?

11          THE COURT: Yes.

12               (The exhibits were admitted into evidence.)

13 BY MR. SAMUELS:

14       Q. Ms. Sem, where is your father sitting on the Quest,  
15 ma'am?

16       A. On the -- I think on the back cabin. There's like an  
17 outer back cabin.

18       Q. Okay. Let's go to 2-5 E. And who is that?

19       A. That's Jean, and she was also sitting on the same outer  
20 back cabin.

21       Q. 2-5 F?

22       A. Phyllis. That's Phyllis, also on the outer back cabin.  
23 And you can see the wheel there.

24       Q. And, finally, 2-5 G.

25       A. And that's Bob. And that's the hatch down to the left,

—E. Sem - Direct—

1 down to the main salon.

2 Q. And, Ms. Sem, prior to their deaths when were you next  
3 planning to see your dad and Jean?

4 A. They were going to -- they were going to leave the rally  
5 in April, and they were going to make a flight -- my dad was  
6 going to make a flight back -- a quick flight back in May,  
7 and then we were also going to -- my whole family was going  
8 to meet them in London at the next Christmas.

9 Q. And on February 22nd what did you learn had happened to  
10 your father, Jean, Bob and Phyllis?

11 A. I received a phone call at 3:30 in the morning that they  
12 had all been shot.

13 Q. Thank you, Ms. Sem.

14 MR. SAMUELS: Judge, I have nothing further for  
15 Ms. Sem.

16 THE COURT: Do you have any questions,  
17 Mr. Broccoletti?

18 MR. BROCCOLETTI: Judge, we have no questions.  
19 And, ma'am, I'm sorry for your loss.

20 THE WITNESS: Thank you.

21 THE COURT: May this witness be excused?

22 MR. SAMUELS: May she be excused, Judge?

23 THE COURT: Do you need her any further?

24 MR. SAMUELS: No, sir.

25 THE COURT: You may be released, Ms. Sem. You're



1 instructed not to discuss your testimony with anyone until  
2 this case is complete, at which time you're free to discuss  
3 it with anyone you like. You may step down.

4 THE WITNESS: Thank you.

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6 \*\*\*\*\*

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10  
11 CERTIFICATION

12  
13 I certify that the foregoing is a correct transcript  
14 of an excerpt from the record of proceedings in the  
15 above-entitled matter.

16  
17 s/s

18 Heidi L. Jeffreys

19  
20 \_\_\_\_\_  
21 June 5, 2012  
22  
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Heidi L. Jeffreys, Official Court Reporter